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Département à
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Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.

03290854.3-1246-

Anmelder/Applicant/Demandeur/Patentinhaber/Propriétaire/Titulaire

ALCATEL

COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

☒ abstract

☐ title

☐ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract:

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REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	EP 1 237 296 A (NIPPON ELECTRIC CO) 4 September 2002 (2002-09-04)	1,2,5-10	H04B7/005 H04Q7/38
Y	* abstract * * column 2, line 37 - line 55 * * column 3, line 35 - column 4, line 25 * * column 5, line 40 - column 6, line 2 * * column 6, line 33 - column 7, line 23 * * column 7, line 54 - column 8, line 15 * * figures 3-6 *	3,4	
X	WO 02 056498 A (ERICSSON TELEFON AB L M) 18 July 2002 (2002-07-18)	1,2,5-10	
Y	* abstract * * page 4, line 24 - page 5, line 19 * * page 9, line 8 - line 11 * * page 10, line 19 - line 27 * * page 11, line 7 - line 17 * * page 12, line 2 - line 13 * * figures 1-3 *	3,4	
X	EP 1 061 680 A (CIT ALCATEL) 20 December 2000 (2000-12-20)	1,4-10	TECHNICAL FIELDS SEARCHED (Int.Cl.7)
	* page 2, line 12 - line 19 * * page 2, line 34 - line 52 * * page 3, line 4 - line 6 * * page 3, line 48 - page 4, line 2 * * figure 2 *		H04B H04Q
Y	WO 01 48929 A (NOKIA NETWORKS OY ;SHURVINTON WILLIAM (GB)) 5 July 2001 (2001-07-05)	3,4	
	* abstract * * page 4, line 1 - page 6, line 3 * * page 7, line 15 - line 22 *		
The present search report has been drawn up for all claims			
Place of search THE HAGUE		Date of completion of the search 2 September 2003	Examiner Lopez Márquez, T
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	

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EPO FORM 1503 03/82 (P04C01)



DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
A	QIU X ET AL: "Some performance results for the downlink shared channel in WCDMA" ICC 2002. 2002 IEEE INTERNATIONAL CONFERENCE ON COMMUNICATIONS. CONFERENCE PROCEEDINGS. NEW YORK, NY, APRIL 28 - MAY 2, 2002, IEEE INTERNATIONAL CONFERENCE ON COMMUNICATIONS, NEW YORK, NY: IEEE, US, vol. 1 OF 5, 28 April 2002 (2002-04-28), pages 376-380, XP010589520 ISBN: 0-7803-7400-2 * page 376, left-hand column, paragraph 1 - right-hand column, paragraph 3 *	1,8-10	
A	NAOR Z ET AL: "Announced dynamic access probability protocol for next generation wireless networks" COMPUTER NETWORKS, ELSEVIER SCIENCE PUBLISHERS B.V., AMSTERDAM, NL, vol. 41, no. 4, 15 March 2003 (2003-03-15), pages 527-544, XP004404985 ISSN: 1389-1286 * abstract * * page 529, left-hand column, paragraph 2 - right-hand column, paragraph 1 *	1,8-10	
The present search report has been drawn up for all claims			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
Place of search THE HAGUE		Date of completion of the search 2 September 2003	Examiner Lopez Márquez, T
CATEGORY OF CITED DOCUMENTS X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document			

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EPO FORM 1503 03.82 (P04C01)

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 03 29 0854

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

02-09-2003

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
EP 1237296	A	04-09-2002	JP	2002261687 A	13-09-2002
			CN	1373619 A	09-10-2002
			EP	1237296 A2	04-09-2002
			US	2002119798 A1	29-08-2002
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			WO	02056498 A2	18-07-2002
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			CN	1278698 A	03-01-2001
			DE	69900636 D1	31-01-2002
			DE	69900636 T2	12-09-2002
			ES	2167990 T3	16-05-2002
			JP	2001036503 A	09-02-2001
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			AU	2169701 A	09-07-2001
			WO	0148929 A2	05-07-2001
			EP	1250767 A2	23-10-2002
			US	2003058811 A1	27-03-2003



This application is covered by the extended European search report pilot project at present running within the European Patent Office, applied to all European patent applications filed as first filing and searched on or after 01.07.03. Under this project the EPO issues together with the search report an opinion on whether the application and the invention to which it relates meet the requirements of the EPC. This non-binding opinion is issued free of charge as a service. This opinion may be used as the basis for an informed decision as to whether it is desired to pursue the application further or not.

For further details of this pilot project, the applicant's attention is directed to the Official Journal edition 5/2003. If any further immediate questions or comments arise the EPO Customer Services: +31-70-340 4500 or +49-89-2399 2828 can be contacted.

The attached opinion reveals that the application or the invention to which it relates appear not to meet the requirements of the Convention (see comments on enclosed Form 2906).

If the applicant wishes to continue with this application the examination fee must be paid. Where appropriate amendments can be filed to address the objections raised in the opinion, thus shortening the overall procedure. If no amendments are filed, the opinion will be re-issued as the first official communication under Article 96(2) and Rule 51(2) EPC.

If the examination fee has already been paid and the right to the communication under Article 96(1) EPC has been waived for this application, the first official communication under Article 96(2) and Rule 51(2) EPC will be issued promptly.



The following documents are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: EP-A-1 237 296 (NIPPON ELECTRIC CO) 4 September 2002 (2002-09-04)
D2: WO 02 056498 A (ERICSSON TELEFON AB L M) 18 July 2002 (2002-07-18)
D3: WO 01 48929 A (NOKIA NETWORKS OY ;SHURVINTON WILLIAM (GB)) 5 July 2001 (2001-07-05)

- 1.1 The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of independent claim 1 is not new in the sense of Article 54(1) and (2) EPC.
- 1.2 The document D1 discloses (the references in parentheses applying to this document): a method for transmitting data over first and second channels, the first channels having a predefined grade of service and the second channels having a variable grade of service, the method comprising the steps of: determining a load of a transmit power amplifier; determining a share of the load which is due to the transmission over the first channels; determining a difference between a maximum load and the share; and controlling the transmission over the second channels on the basis of the difference (abstract; column 2, lines 37 to 55; column 3, line 35 to column 4, line 25; column 5, line 40 to column 6, line 2; column 6, line 33 to column 7, line 23; column 7, line 54 to column 8, line 15; figures 3,4,5 and 6).
- 1.3 The subject-matter of independent claim 1, the corresponding computer program product claim 8, base station claim 9 and wireless cellular telecommunication network claim 10 is therefore not new (Article 54(1) and (2) EPC).
- 1.4 The subject-matter of independent claims 1, 8, 9 and 10 is also anticipated by document D2 (abstract; page 4, line 24 to page 5, line 19; page 9, lines 8 to 11; page 10, lines 19 to 27; page 11, lines 7 to 17; page 12, lines 2 to 13; figures 1 to 3).
- 2.1 Dependent claims 2, 5, 6 and 7 are not new:
for claim 2, see for example D1, column 5, line 40 to column 6, line 2;
for claim 5, D1: column 3, line 35 to column 4, line 25; column 5, line 40 to column 6, line 2; column 6, line 33 to column 7, line 23;



for claims 6 and 7, see for example D2, page 5, lines 20 to 24 and claim 41.

- 2.2 Claim 3 is not clear according to Article 84 EPC. It is not clear what the term '*moving average*' means, as no definition of it has been found in the description.
- 2.3 However, as far as claim 3 is understood, the subject-matter of claims 3 and 4 does not involve an inventive step in the sense of Article 56 EPC. The features of dependent claims 3 and 4 have already been employed for the same purpose in a similar method for controlling the transmission over different channels, see document D3, abstract; page 4, line 1 to page 6, line 3 and page 7, lines 15 to 22. D3 discloses a multi-carrier power amplifier that can be used in a base station to maintain the total power of all the transmitted signals below a safety margin on the basis of average load. It would therefore be obvious to the person skilled in the art, to apply these features with corresponding effect to a method according to document D1, thus arriving at a method according to claims 3 and 4.
3. It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed taking account of Rule 29(1) EPC. The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof.